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10/517,369	12/10/2004	Francis Pinault	Q84992	3960

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EXAMINER	
NICKERSON, JEFFREY L	

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
03/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/517,369	PINAULT ET AL.	
	Examiner	Art Unit	
	JEFFREY NICKERSON	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-11,14-22 and 28-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-11,14-22 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10/517,369 filed nationally on 10 December 2004 and internationally on 13 June 2003. The response presented on 04 November 2009, which amends claims 3-5, 8-11, and 28-29, and presents arguments, is hereby acknowledged. Claims 3-11, 14-22, and 28-30 are currently pending and have been examined.

Claim Objections

2. The response presented on 04 November 2009 providing change to the claims is noted. All outstanding objections to the claims are hereby withdrawn.

35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Response to Arguments

5. Applicant's amendments and arguments, filed in the response dated 04 November 2009, with respect to the rejections under 35 USC 112, first paragraph, have been fully considered and are found to be persuasive. All outstanding rejections to the claims under 35 USC 112, first paragraph, are hereby withdrawn.

6. Applicant's amendments and arguments, filed in the response dated 04 November 2009, with respect to the rejections under 35 USC 112, second paragraph, have been fully considered and are found to be persuasive. All outstanding rejections to the claims under 35 USC 112, second paragraph, are hereby withdrawn.

35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Response to Arguments

8. Applicant's amendments and arguments, filed in the response dated 04 November 2009, with respect to the rejections under 35 USC 103(a) have been fully considered and are found persuasive. However, new rejections may be found below.

Claim Rejections

9. Claims 3-11, 14-22, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggins (US 6,766,454 B1), and in further view of Clark (US 5,490,251) and Koo et al (US 6,831,909 B1).

Regarding claim 28, Riggins teaches a communication server for making services offered by a private second communication network available to at least one terminal connected to a first communication network (Riggins: Figure 1, clients 114a-114g accessing services 110a-110d, via Global server 106), the communication server comprising:

a control module that sends configuration data on a transmission channel to a terminal connected to the first network (Riggins: Figure 5, step 515; col 7, lines 56-66 provide for sending configuration/page data);

wherein the configuration data is sent as a function of a selected criterion (Riggins: Figure 5, steps 505-510; col 7, lines 43-56);

wherein the selected criterion is a setup of a connection by the terminal with the server using a selected primary identifier (Riggins: steps 505-510; col 7, lines 45-56);

wherein the server exchanges data over the transmission channel in accordance with a selected protocol (Riggins: col 1, lines 63 – col 2, line 2; col 8, lines 37-60);

wherein the configuration data enables the terminal to set up a connection with the server on the transmission channel (Riggins: Figure 5, steps 525-535; col 7, line 66 – col 8, line 15); and

wherein the connection makes at least some of the services offered by the private second communication network available to the terminal (Riggins: Figure 5, steps 538-540; col 8, lines 15-36).

Riggins does not teach wherein the transmission channel is a first transmission channel;

wherein signaling data is exchanged on the first transmission channel simultaneously with an exchange of voice data on a second transmission channel;

wherein the second transmission channel is dedicated to the exchange of voice data;

setting up a connection on the first transmission channel during a voice connection between at least two users on the second transmission channel; or

making services offered available to the terminal during the voice connection.

Clark, in a similar field of endeavor, teaches wherein the transmission channel is a first transmission channel (Clark: abstract); and

setting up a connection on the first transmission channel (Clark: abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Clark for sending data over a signaling channel. The teachings of Clark, when implemented in the Riggins system, will allow one of ordinary skill in the art to authenticate users over a signaling channel in an telecommunications network. One of ordinary skill in the art would be motivated to utilize the teachings of Clark in the Riggins system in order to conserve network resources and practice the system in a telecommunications environment.

The Riggins/Clark system does not teach wherein data on another channel is being sent during a voice connection between at least two users on said second channel so as to make services available during said voice connection; or

wherein the second transmission channel is dedicated to the exchange of voice data;

Koo, in a similar field of endeavor, teaches wherein data on another channel is being sent during a voice connection between at least two users on said second channel, so as to make services available during said voice connection (Koo: col 1, lines 31-38 provides using FCH for voice and DCCH for data; col 5, lines 6-22 provides they can be used simultaneously); and

wherein the second transmission channel is dedicated to the exchange of voice data (Koo: col 1, lines 22-38 provides FCH is dedicated to voice).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Koo for simultaneous voice and data transmissions. The teachings of Koo, when implemented in the Riggins/Clark system, will allow one of ordinary skill in the art to send authentication data over a signaling channel while a voice connection is using the main bearer channel. One of ordinary skill in the art would be motivated to utilize the teachings of Koo in the Riggins/Clark system in order to allow users to access both voice and data services simultaneously or increase the data transfer rate.

Regarding claim 3, the Riggins/Clark/Koo teaches wherein the control means effects an identification procedure before sending said configuration data (Riggins: Figure 5, step 510; col 7, lines 43-56).

Regarding claim 4, the Riggins/Clark/Koo system teaches wherein the server further comprises:

a memory in which secondary identifiers are stored (Riggins: Figure 9, item 945, all subitems);

wherein the control means sends to said terminal identification data which, once installed in said terminal, enables the automatic sending to said server of at least one secondary identifier stored in a memory of said terminal (Riggins: Figure 15; col 14, line 44 – col 15, line 27);

wherein the control means compares the received secondary identifier with identifiers stored in said memory and then to send said configuration data to said terminal if the identifiers are identical (Riggins: Figure 15; col 15, lines 12-27).

Regarding claim 5, the Riggins/Clark/Koo system teaches wherein said control means sends security data to the terminal after said configuration data (Riggins: Figure 6, item 615; col 8, lines 37-60).

Regarding claim 6, the Riggins/Clark/Koo system teaches wherein said secondary identifier represents the user of said terminal (Riggins: Figure 9, item 960; col 15, lines 1-11).

Regarding claim 7, the Riggins/Clark/Koo system teaches wherein said configuration data or said identification data constitutes a script or an applet (Riggins: abstract).

Regarding claim 8, the Riggins/Clark/Koo system teaches wherein said configuration data, in the event of activation by the user of the terminal prompts said user to provide at least one tertiary identifier and to send a registration request containing at least said tertiary identifier to said control means on the first channel (Riggins: Figure 14, 1405-1420; col 13, line 49 - col 14, line 15; Clark: abstract);

wherein memory stores said primary identifiers in corresponding relationship to at least one tertiary identifier (Riggins: col 15, lines 12-27);

wherein the control means, on the receipt of a registration request, sends to said configuration data a request for the transmission of at least one primary identifier associated with said terminal (Riggins: col 14, lines 44-67); and

wherein on reception of said primary identifier, compare the primary identifier and the tertiary identifier previously received to the identifiers stored in said memory in order to authorize or refuse said registration as a function of the result of this comparison (Riggins: Figure 14, col 14, lines 28-43).

Regarding claim 9, the Riggins/Clark/Koo system teaches wherein said configuration data, in the event of reception of a call request message from the first network by said terminal (Clark: col 6, lines 35-50), extracts certain information from said message and sends that information to said control means via said first channel (Koo: col 1, lines 22-38 provides for signalling over DCCH); and

wherein said control means, on receipt of said information, processes it as a function of its content and then sends to said terminal on said first channel a message

selected as a function of the processing applied and the information received (Clark: col 6, lines 56-65).

Regarding claim 10, the Riggins/Clark/Koo system teaches wherein said configuration data, after the terminal has been registered and in the event of an attempt by said terminal to call a remote terminal, inhibits access to the first network and sends information including at least the primary identifier of the remote terminal to said control means on said first channel (Riggins: Figure 14; col 13, line 49 – col 14, line 43; Clark: col 6, lines 9-20; col 6, lines 56-65);

wherein said control means, on receipt of said information, processes it as a function of its content and sends to said terminal on said first channel a message selected as a function of the processing applied and the information received; and comprising at least one call authorization or prohibition (Riggins: Figure 14, items 1430 or 1440; col 13, line 49 – col 14, line 43; Clark: col 6, lines 9-20; col 6, lines 56-65); and

wherein the information is to be displayed on the screen of said terminal, so that on reception of said message, said configuration data either removes the inhibition on access to the first network with a view to setting up the call or prohibits the call (Riggins: Figure 14, item 1445; Figure 12; col 13, lines 10-30; col 13, line 49 – col 14, line 43).

Regarding claim 11, this server claim comprises limitations found within claim 9 and the same rationale of rejection is used, where applicable; and

wherein said control means process the information received from said terminal after registering the terminal (Riggins: Figure 15, items 1540, 1555; col 15, lines 12-27).

Regarding claims 14-22 and 29, these method claims comprise limitations corresponding to those of claims 3-11 and 28 and the same rationale of rejection is used, where applicable.

Regarding claim 30, the Riggins/Clark/Koo system teaches further comprising a gateway that manages information displayed on a display of the terminal during the voice connection and offers services to the terminal via the display (Riggins: Figure 9, item 975; col 10, lines 41-61; Koo: col 1, lines 22-38);

wherein a connection is a voice connection (Koo: col 1, lines 22-38; col 5, lines 6-22); and

wherein the services offered are related to the circumstances of the connection (Riggins: Figure 5, items 525-540; col 7, line 66 – col 8, line 36).

Citation of Pertinent Prior Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Harris et al (US 2009/0203357 A1) discloses a system for accessing simultaneous voice and data services using separate connections to separate servers.

b. Sicher et al (US 6,112,084) discloses transmitting simultaneous voice and data over separate voice channels.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Examiner, Art Unit 2442

/Asad M Nawaz/
Primary Examiner, Art Unit 2455